

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02901-BAH**

CENTER FOR INVESTIGATIVE REPORTING v. U.S.
CUSTOMS AND BORDER PROTECTION et al
Assigned to: Chief Judge Beryl A. Howell
Cause: 05:552 Freedom of Information Act

Date Filed: 12/11/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**CENTER FOR INVESTIGATIVE
REPORTING**

represented by **Joshua Hart Burday**
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V.

Defendant

**U.S. CUSTOMS AND BORDER
PROTECTION**

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Defendant

**U.S. DEPARTMENT OF HOMELAND
SECURITY**

represented by **Brian J. Field**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/11/2018	<u>1</u>	COMPLAINT against U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Filing fee \$ 400 receipt number 0090-5833416) filed by CENTER FOR INVESTIGATIVE REPORTING. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet Civil Cover Sheet, # <u>8</u> Summons Summons)(Topic, Matthew) (Entered: 12/11/2018)
12/11/2018	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of CENTER FOR INVESTIGATIVE REPORTING (Topic, Matthew) (Entered: 12/11/2018)
12/14/2018		Case Assigned to Chief Judge Beryl A. Howell. (zef,) (Entered: 12/14/2018)
12/14/2018	<u>3</u>	SUMMONS (4) Issued Electronically as to U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 12/14/2018)
12/14/2018	<u>4</u>	STANDING ORDER. Signed by Chief Judge Beryl A. Howell on December 14, 2018. (lcbah1) (Entered: 12/14/2018)
01/24/2019	<u>5</u>	MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Field, Brian) (Entered: 01/24/2019)
01/25/2019		MINUTE ORDER (paperless) GRANTING, over the plaintiff's opposition, the defendants' <u>5</u> Motion to Stay Proceedings in Light of Lapse of Appropriations. Accordingly, the parties shall, within five days of appropriations being restored, submit a Joint Status Report proposing a briefing schedule for the defendants' responsive pleading and any dispositive motions. <i>See</i> <u>4</u> Standing Order. The plaintiff is not precluded from seeking, at a later date, depending on the duration of the lapse of appropriations and the relevance of the records sought in the complaint for the reasons given in the plaintiff's opposition to the government's motion to stay, that the stay be lifted. Signed by Chief Judge Beryl A. Howell on January 25, 2019. (lcbah4) (Entered: 01/25/2019)
02/01/2019	<u>6</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 02/01/2019)
02/01/2019	<u>7</u>	NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER (paperless) EXTENDING, upon consideration of the parties' <u>6</u> Joint Status Report, and over the plaintiff's objection, the deadline for defendants to answer the plaintiff's <u>1</u> Complaint until March 4, 2019 and ORDERING, consistent with the <u>4</u> Standing Order ¶ 3.b.ii, the parties to file a joint status report, by March 18, 2019. Signed by Chief Judge Beryl A. Howell on February 1, 2019. (lcbah1) (Entered: 02/01/2019)
02/04/2019		Set/Reset Deadlines: Answer to the complaint due by 3/4/2019; joint status report due by 3/18/2019. (tg) (Entered: 02/04/2019)
02/08/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. CUSTOMS AND BORDER PROTECTION served on 1/15/2019 (Topic, Matthew) Modified on 2/14/2019 to edit the service date (zrdj). (Entered: 02/08/2019)
02/08/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 12/26/2018 (Topic, Matthew) (Entered: 02/08/2019)
02/08/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/26/2018. (Topic, Matthew) Modified on 2/14/2019 to correct service date (zrdj). (Entered: 02/08/2019)

02/08/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/27/2018. Answer due for ALL FEDERAL DEFENDANTS by 1/26/2019. (Topic, Matthew) (Entered: 02/08/2019)
03/04/2019	<u>12</u>	ANSWER to Complaint by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY.(Field, Brian) (Entered: 03/04/2019)
03/18/2019	<u>13</u>	Joint STATUS REPORT by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Field, Brian) (Entered: 03/18/2019)
03/19/2019		MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>13</u> Joint Status Report, the following SCHEDULING ORDER to control the timing of proceedings: (1) by May 15, 2019, the defendants shall file any motion for summary judgment; (2) by June 14, 2019, the plaintiff shall file any cross-motion for summary judgment and any opposition to the defendants' motion for summary judgment; (3) by July 15, 2019, the defendants shall file any opposition to the plaintiff's cross-motion for summary judgment and any reply in support of their own motion for summary judgment; (4) by August 9, 2019, the plaintiff shall file any reply in support of its cross-motion for summary judgment. Signed by Chief Judge Beryl A. Howell on March 19, 2019. (lcbah1) (Entered: 03/19/2019)
03/19/2019		Set/Reset Deadlines: Summary judgment motion due by 5/15/2019; cross-motion and opposition to motion for summary judgment due by 6/14/2019; opposition to cross-motion and reply to opposition to motion for summary judgment due by 7/15/2019; reply to opposition to cross-motion due by 8/9/2019. (tg) (Entered: 03/19/2019)
05/15/2019	<u>14</u>	MOTION for Summary Judgment by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Suzuki Decl., # <u>4</u> Text of Proposed Order)(Field, Brian) (Entered: 05/15/2019)
06/14/2019	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION for Summary Judgment <i>Plaintiff's Combined Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> filed by CENTER FOR INVESTIGATIVE REPORTING. (Burday, Joshua) (Entered: 06/14/2019)
06/14/2019	<u>16</u>	MOTION for Summary Judgment <i>Plaintiff's Combined Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> by CENTER FOR INVESTIGATIVE REPORTING (Burday, Joshua) (Entered: 06/14/2019)
07/15/2019	<u>17</u>	Memorandum in opposition to re <u>16</u> MOTION for Summary Judgment <i>Plaintiff's Combined Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> filed by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Field, Brian) (Entered: 07/15/2019)
07/15/2019	<u>18</u>	REPLY to opposition to motion re <u>14</u> MOTION for Summary Judgment filed by U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Declaration)(Field, Brian) (Entered: 07/15/2019)
08/06/2019	<u>19</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of CENTER FOR INVESTIGATIVE REPORTING (Wayne, Merrick) (Entered: 08/06/2019)
08/09/2019	<u>20</u>	REPLY to opposition to motion re <u>16</u> MOTION for Summary Judgment <i>Plaintiff's Combined Opposition to Defendant's Motion for Summary Judgment and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> filed by CENTER FOR INVESTIGATIVE REPORTING. (Topic, Matthew) (Entered: 08/09/2019)